



2026:DHC:8998



\$~26

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment Delivered on : 07.10.2026

CNR No. DLHC010354702025

+ CS(COMM) 571/2025 and I.A. 14170/2025

HAVELLS INDIA LIMITED & ANR.Plaintiffs

Through: Mr. Kunal Vats and Ms. Tanya Arora,
Advocates.

versus

M/S HAVELLS PVC PIPES INDUSTRYDefendant

Through:

CORAM:**HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J [OPEN COURT]**

1. The present suit has been filed by the plaintiffs alleging infringement

of its registered trademark **HAVELLS**

2. It is stated that the plaintiff nos.1 and 2 are engaged in the manufacturing, marketing, and selling of a diverse range of electrical and electronic goods since the year 1942 and are the owners of the trademark

and also other formative marks in Classes 7, 9, 11, 35, and 37. The mark **HAVELLS** also forms part of the corporate name of plaintiff no.1.

3. It was stated in the plaint that the defendant is also using the mark

HAVELLS

, which is not a registered mark, and



also prominently uses the word ‘HAVELLS’ as part of its trade name.

4. This Court *vide* order dated 29.05.2025 had restrained the defendant

from using the impugned mark ‘HAVELLS’  or any other mark that is identical or deceptively similar to the plaintiff’s mark

‘HAVELLS’/ . Para 37 of the order dated 29.05.2025 reads thus:

“37. Accordingly, till the next date hearing, defendant, its partners, promoters, directors, officers, servants, agents, distributors, affiliates, franchisees, successors, assignees, or any other persons acting for and, on its behalf, are restrained

from using the mark ‘HAVELLS’/  or any other mark that is identical or deceptively similar to the plaintiffs’ trademark ‘HAVELLS’/  or its derivatives/ formatives, whether as a trademark, logo, trading style, trade dress, packaging, domain name or in any other manner, in relation to any goods or services, thereby amounting to infringement of the plaintiffs’ registered trademarks and statutory rights.”

5. The Court *vide* aforesaid order had also appointed a Local Commissioner to visit the premises of the defendant at 125-A, 1st Floor, Surya Colony, Main Sehatpur Agwanpur Road, Sehatpur, Faridabad, Haryana- 121003. The Local Commissioner executed the commission and thereafter filed his report.

6. In his report, the Local Commissioner has stated that Mr. R.N. Jha, the accountant of the defendant had stated that the products under the



impugned trademark were imported by the defendant in December, 2024 and the value of the goods was to the tune of Rs.22,86,240/-. The relevant para from the report of the Local Commissioner reads thus:

“That as per Mr R N Jha, the accountant of the defendant, the products under the impugned trade mark “Havells” were imported in December 2024 (17-12-2024) from China via United Adab Emirates UAE and the said shipment landed at Nhava Sheva Port in Maharashtra and as per records/Bill of Entry, the value of impugned products/goods were Rs 22,86,240/- (i.e. Invoice Value was US Dollar 26,400/-). That Mr Jha further informed that the aforesaid goods/products have already been sold in the Northern Region of India and the GST paid on the sale is Rs 6,34,089/-.”

7. The defendant was served with the summons. However, despite service, the defendant did not appear. Accordingly, the defendant was proceeded against *ex parte vide* order dated 05.02.2026. Prior thereto, the right of the defendant to file the written statement was also closed *vide* order dated 26.11.2025.

8. From the report of the Local Commissioner and pleadings on record, it is clear that the defendant had imported the electrical products under the

impugned mark and had sold the same.

9. Since there is no appearance on behalf of the defendant, the learned counsel for the plaintiff urges the Court that a decree can straightway be passed against the defendant since there is no defence of the defendant on record by way of written statement. In support of his contention, he places



reliance on the decision of the Coordinate Bench of this Court in ***Imagine Marketing Private Limited v. M/s Green Accessories Through: Its Proprietor and Anr., 2022 SCC OnLine Del 805.***

10. In the said decision, the Coordinate Bench was confronted with a similar situation where the defendants had not filed their written statement and had been proceeded against *ex parte*. The Court followed the earlier decision of this Court in ***Disney Enterprises Inc. & Anr. v. Balraj Muttneja and Ors., 2014 SCC OnLine Del 781***, wherein it was observed to the effect that where the defendant is *ex-parte* and the material before the Court is sufficient to allow the claim of the plaintiff, no useful purpose will be served in directing *ex-parte* evidence. Accordingly, the suit of the plaintiff therein was decreed. The relevant extract from ***Imagine Marketing*** (supra) reads thus:

*“10. Under these circumstances, following the rationale of the judgment of a ld. Single of this Court in ***Disney Enterprises Inc. & Anr. v. Balraj Muttneja & Ors. [CS (OS) 3466/2012 decided on 20th February, 2014]***, no *ex parte* evidence would be required in this matter. The same has been reiterated by the Court in ***S. Oliver Bernd Freier GMBH & CO. KG v. Jaikara Apparels and Ors. [210 (2014) DLT 381]***, as also, in ***United Coffee House v. Raghav Kalra and Ors. [2013 (55) PTC 414 (Del)]***. The relevant observations from the judgment in ***Disney Enterprises Inc. (supra)***, are as under:*

*“3. Though the defendants entered appearance through their counsel on 01.02.2013 but remained unrepresented thereafter and failed to file a written statement as well. The defendants were thus directed to be proceeded *ex-parte* vide order dated 04.10.2013 and the plaintiffs permitted to file affidavits by way of *ex-parte* evidence.*

4. The plaintiffs, despite having been granted sufficient time and several opportunities, have failed to get their affidavits



for leading ex-parte evidence on record. **However, it is not deemed expedient to further await the same and allow this matter to languish, for the reason that I have in Indian Performing Rights Society Ltd. Vs. Gauhati Town Club MANU/DE/0582/2013 held that where the defendant is ex parte and the material before the Court is sufficient to allow the claim of the plaintiff, the time of the Court should not be wasted in directing ex parte evidence to be recorded and which mostly is nothing but a repetition of the contents of the plaint.**

11. Thus, the Plaintiff, being the owner of the registered trademark 'BOAT' in various forms, including the logo, is entitled to protection of its rights in the trade mark 'BOAT', as also device mark and the logos thereof. Accordingly, the present suit is decreed in terms of the reliefs sought in paragraph 30 (a), (b), and (c) of the amended plaint."

11. As regards the relief of damages awarded in **Imagine Marketing** (supra), the Court took into account the quantum of counterfeit products which were seized by the Local Commissioner from the defendant no.1 and defendant no.6 and accordingly awarded damages to the extent of Rs.5,00,000/- and Rs.10,00,000/-, respectively. The relevant paragraph dealing with the said aspect of the matter reads thus:

"13. Insofar as the relief of damages as sought in paragraph 30(f) is concerned, it is clear to this Court that the Defendants have blatantly infringed the trademark and logos as also the packaging of the Plaintiff's products. Considering the quantum of counterfeit products which was seized from Defendant No.1 and Defendant No.6, the suit is decreed against the Defendant No.1 for a sum of Rs. 5 lakhs, and against the Defendant No. 6 for a sum of Rs.10 lakhs. Since no products were found in the premises of Defendant No.3, no monetary damages are being imposed on the said Defendant. Let the said amounts be paid to the Plaintiff within two weeks."



12. From the averments made in the plaint and the documents on record it is evident that the Plaintiffs are prior adopter and registered proprietor of their well-known trademark/domain name 'HAVELLS' and <https://havells.com/>. The usage and adoption of impugned trademark 'HAVELLS'; domain name <https://havellspvc.com/>, which is phonetically, visually, and structurally identical to the Plaintiff's said mark and domain name is illegal and *mala fide*. The defendant is also using word 'HAVELLS' as part of the trade name i.e. 'Havells PVC Pipes industry'.

13. The defendant has neither entered appearance nor filed any written statement. Further, the defendant was also proceeded against *ex-parte*. Therefore, keeping in view the decision in **Imagine Marketing** (supra) and having regard to the averments made in the plaint and the documents on record, which have remained uncontroverted, the suit of the Plaintiffs is decreed in terms of prayer clauses (a), (b), (c), (d) and (e) of the plaint.

14. Insofar as the damages are concerned, the learned counsel appearing on behalf of the plaintiffs, on instructions, submits that the plaintiffs are confining their prayer for damages only to the extent of cost.

15. Elaborating further, he submits that plaintiffs have affixed a court fee on the plaint to the extent of Rs.2,01,000/-. Further, the fee of the Local Commissioner who was appointed by this Court was to the extent of Rs.2,00,000/-. That apart, the plaintiffs also incurred out of pocket expenses.

16. Keeping in view the amount of court fee affixed and the cost incurred towards the execution of the commission and other miscellaneous expenses, the suit is decreed in favour of the plaintiffs and against the defendant for a sum of Rs.5,00,000/-.

17. Let decree sheet be drawn in the above terms.



2026:DHC:8998



18. The suit is disposed of.
19. Pending applications, if any, also stand disposed of.

VIKAS MAHAJAN, J

OCTOBER 7, 2026/jg/VB

Signature Not Verified

Digitally Signed
By: NARENDRA SINGH
ASWAL
Signing Date: 11.10.2026
21:48:04

CS(COMM) 571/2025

Page 7 of 7